



Federal Communications Commission
Washington, D.C. 20554

DA 11-1162

July 1, 2011

Mr. Ihosvany de la Noval
Overon America
7291 NW 74th Street
Miami, FL, 33166

Re: Overon America Application for Authority to Operate a 4.8 Meter C-band Earth Station via the Amazonas-2 Satellite at 61.0° W.L., IBFS File No. SES-LIC-20110408-00426 (Call Sign E110061).

Dear Mr. Noval:

On April 08, 2011, Overon America (Overon) filed the above-captioned application seeking authority to operate a 4.8 meter C-band earth station via the Brazilian Amazonas-2 geostationary satellite positioned at 61.0° W.L. using the 6728-6782 MHz frequency band, which is allocated for fixed-satellite service use in accordance with the provisions of Appendix 30B of the International Telecommunications Union (ITU) Radio Regulations¹. For the reasons discussed below, we dismiss the application as defective, without prejudice to re-filing².

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return as unacceptable for filing any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. Overon's application has the following deficiencies, which renders the application unacceptable and subject to dismissal:

1. Applicants requesting operating authority for space stations in the Fixed-Satellite Service (FSS) must provide an interference analysis pursuant to Section 25.140(b)(2) of the Commission's rules, 47 C.F.R. § 25.140(b)(2). The interference analysis must demonstrate that the proposed FSS satellite system will be compatible with a two-degree orbital spacing environment. On December 3, 2003, the International Bureau released a Public Notice clarifying the types of showings that must be provided and stating that applications filed after December 3, 2003 that do not contain this analysis will be dismissed as incomplete.³ Overon's application does not contain the required analysis.

¹ International Telecommunications Union Radio Regulations, Appendix 30B.

² If Overon refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1111(d).

³ See Clarification of 47 C.F.R. § 25.140(b)(2), Space Station Application Interference Analysis, *Public Notice*, No. SPB-195, DA 03-3863 (rel. Dec. 3, 2003).

2. Overon states that the Amazonas-2 has been authorized pursuant to the provisions of Appendix 30B.⁴ However, Overon did not provide the ITU name as required in item E22 of Schedule B.
3. Although Overon provided the proposed emission designator in item E47 of Schedule B as “54M0G7W,” Overon did not provide information related to this proposed emission designator in items S11(b) and S13(c) of Schedule S.

While the following items are not grounds for dismissal, we request that Overon correct or provide additional information about the following items in any re-filed application:

1. There appears to be a typographical error in response to item S13(g) of Schedule S, which lists Amazonas-3. Additionally, in response to item S8(f) of Schedule S, please specify the “sat_name” for all of the GXT files.
2. Please provide an electromagnetic compatibility analysis consistent with Footnote US245 in Section 2.106 of the Commission’s rules, 47 C.F.R. § 2.106 and Section 2.108 of the Commission’s rules, 47 C.F.R. § 2.108.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission’s rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission’s rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss the application as defective without prejudice to re-filing.

Sincerely,

Paul E. Blais
Chief, Systems Analysis Branch
Satellite Division
International Bureau

cc: Catherine Wang
Bingham McCutchen LLP
2020 K Street, NW
Washington, D.C. 20006

⁴ IBFS File No. SES-LIC-20110408-00426, Ex. A, at 1.